IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Revision No. 1481 of 1999

Date of decision: November 29, 2006

Naresh Kumar Prop M/s Parlad & Company Budhalada.

....Petitioner.

Vs.

State of Punjab

.....Respondent

PRESENT: Mr.S.R.Verma, Advocate for the petitioner.

Mr.G.S.Bhandari, Deputy Advocate General, Punjab

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JUDGMENT

M.M.Aggarwal, J.

This is a petition filed by Naresh Kumar Proprietor Parlad and Company Budhlada against order dated 27.7.1999 of CJM Mansa whereby application for discharge made by the petitioner was dismissed.

The case was complaint case for offence under Sections 3 k(i) 17,18,29 & 33 of the Insecticide Act 1968 read with Rules 27(5) of Insecticides Rules, 1971 filed by the State of Punjab through Gurmail Singh Insecticide Inspector on the allegations that sample of Butachlor 50% EC had been drawn on 6.7.1994. This sample was found to be misbranded.

Petitioner had sought discharge on the ground that his licence was originally cancelled but then was restored by the Appellate Authority under

Section 30(3) of the Insecticide Act and when that was the position, then complaint could not lie.

It had been admitted in the written reply that the sample had been taken from sealed container and petitioner was a dealer. It was also admitted that his licence was cancelled but then restored.

Counsel for he petitioner has relied on judgments of this Court reported as **Rajinder Kumar Vs. State of Punjab 2003(2) RCR (Crl.) 244 and Manesh Kumar Vs. State of Punjab through Insecticide Inspector 2005(2) RCR (Crl.) 46**.

Under these circumstances, this petition is accepted. Impugned order is set aside and petitioner shall stand discharged.

(M.M.Aggarwal)
Judge

November 29, 2006
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